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In The High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

ORDER

S.B. Civil Writ Petition No.4345/2012
Rahul Tulsiani Vs. Raj. Technical University, Kota & Anr.

Date Of Order :: 03.04.2012

Hon'ble Mr. Justice Ajay Rastogi

Mr. R.P. Saini, for petitioner.



Petitioner is a student of Bachelor of Technology and his grievance is that he submitted application under Right to Information Act for inspection of certain answer-book but that came to be rejected vide order dt.22.12.2011 (Ann.3) on the premise that under Ord.157-A-16 of University of Rajasthan, which has been adopted by respondent-Rajasthan Technical University, Kota, it could not be made available for inspection.

Counsel submits that the controversy raised herein has been set at rest by Apex Court in **CBSE Vs. Aditya Bandopadhyay**, (2011 (8) SCC 497), operative part thereof reads as follows :
infra :

"The right to information is a cherished right. Information & right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under

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clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1) (b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of

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a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties.

In view of the foregoing, the order of the High Court directing the examining bodies to permit examinees to have inspection of their answer books is affirmed, subject to the clarifications regarding the scope of the RTI Act and the safeguards and conditions subject to which 'information' should be furnished. The appeals are disposed of accordingly."



However, as informed, respondent-University took decision in the light of judgment of the Supreme Court in **CBSE Vs. Aditya Bandopadhyay (supra)**, the State Government vide order dt.28/02/2012 granted approval and in furtherance thereof, order dt.12/03/2012 came to be issued by respondent-University granting permission to the students to inspect their evaluated answer-books of University Examination w.e.f. Odd semester examinations of academic session-2011-12 on the prescribed application form alongwith non-refundable fees of Rs.1000/- per answer book. Order dt.12/03/2012 reads ad infra:

"In compliance of the Hon'ble Supreme Court decision on the writ petition no.6454/2011 and further order of the Government of Rajasthan vide letter No.प.20(7)त.शि./2005 dt. 28.02.2012 Hon'ble Vice Chancellor is pleased to allow the students to inspect their evaluated answer-books of University examinations w.e.f.

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odd semester examination of academic session 2011-12.

The students may apply as per approved guidelines available on the university website within 15 days of the date of declaration of the result in the prescribed application form along-with non-refundable fees of Rs.1000/- per answer book."



In view of decision of the State Government & University (supra) dt.12/03/2012, rejection of petitioner's application vide order dt.22/12/2011 (Ann.3) does not hold good.

In the light of order dt.12/03/2012 of the Rajasthan Technical University, Kota, the writ petition is disposed of with the direction to the respondent-University to permit the petitioner to inspect answer book as prayed for within one month on payment of prescribed fee per answer book. However, after inspection of the answer book, petitioner, if feels aggrieved, will at liberty to avail of remedy under the law.

(Ajay Rastogi), J.